

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

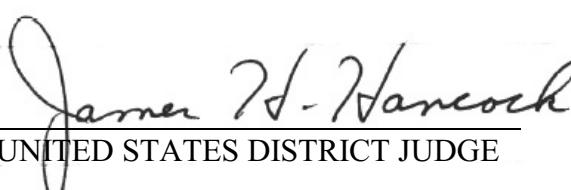
MICKEY L. LONG ,)
v.)
) CV. NO. 09-H-8021-S
UNITED STATES OF AMERICA) CR. NO. 05-H-327-S
)

MEMORANDUM OF OPINION

This matter is before the Court upon remand by the Eleventh Circuit. On August 24, 2011, the magistrate judge filed findings and recommendation concluding that the movant did not file his § 2255 motion within a year of the time in which, with the exercise of reasonable diligence, he should have discovered that his attorney did not file a direct appeal. It was therefore recommended that the motion to vacate be dismissed as untimely. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the motion to vacate is due to be DISMISSED as untimely. A Final Judgment will be entered.

DONE this the 19th day of October, 2011.



SENIOR UNITED STATES DISTRICT JUDGE